

ESTTA Tracking number: **ESTTA752714**

Filing date: **06/15/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219888
Party	Defendant Senuvo LLC
Correspondence Address	STEPHEN H BEAN LEGENDS LAW GROUP PLLC 93 SOUTH MAIN SUITE 3 KAYSVILLE, UT 84037 UNITED STATES steve@legendslaw.com
Submission	Opposition/Response to Motion
Filer's Name	Steve Bean
Filer's e-mail	steve@legendslaw.com, andra@legendslaw.com, docket@legendslaw.com
Signature	/Steve Bean/
Date	06/15/2016
Attachments	160615 A Response re Request to Strike.pdf(301061 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of:
Application Serial No. 86127647
for the mark SENUVO

4Life Trademarks, LLC Opposer v. Senuvo, LLC Applicant	Opposition No. 91219888 APPLICANT’S RESPONSE RE OPPOSER’S REQUEST TO STRIKE OPPOSITION BRIEF
--	--

In its June 14, 2016 reply brief, Opposer asks the Board to strike Applicant’s opposition brief for allegedly being untimely filed. The basis for the request to strike the opposition brief as untimely is an initial understanding between the parties to serve documents electronically. According to Opposer, Applicant should not have added five days under 37 CFR § 2.119(c) to its time for response because of this agreement. Reply Br., Ex. 1, ¶ 4. The problem with this argument is that Opposer indicated *two* forms of service on its motion to compel: one method was by U.S. Mail and the other method was “electronically.” Certificate of Service, Opposer’s Mot., p. 9. There was no indication which method was for formal service and which method was for courtesy. *See id.* Further, the title of the certificate of service states “Certificate of Mailing or Transmission.” *Id.* (emphasis added). Indeed, almost all of Opposer’s documents in this case indicated two forms of service and there was *never* an indication from Opposer as to which form was a courtesy copy. *See* Exhibit A, Compilation of Opposer’s Certificates of Service.

Despite the initial agreement for electronic service, the parties devolved to a practice of providing service by standard physical delivery with a courtesy copy sent by email. That this was Applicant’s honest understanding of the situation is clearly shown by the certificate of service to Applicant’s opposition brief, which specifically states “delivered by U.S. Mail, First

Class Postage, *with an electronic courtesy copy by email.*” Certificate of Service, Opp’n Br., p. 8 (emphasis added). Furthermore, it is telling that now – for the first time ever – Opposer indicates in its certificate of service to the reply brief that its delivery by U.S. mail is “a courtesy copy.” Certificate of Service, Reply Br., p. 9. This is an obvious attempt to paint the initial motion’s U.S. mail delivery as “courtesy” when it was never so indicated. Indeed, prior to Opposer’s present reply brief Opposer never made any similar designation on any other method of service in this case.

Opposer is trying to seize advantage where none is due. The board should reject this type of gamesmanship and decline Opposer’s request to strike Applicant’s opposition brief.

Dated: June 15, 2016.

SENUVO, LLC

By:

By: 

Stephen H. Bean, Esq.,
Legends Law Group, PLLC
330Main
Kaysville, UT 84037
(801) 337-4500

Attorney for Applicant

Certificate of Service

I hereby certify that on Wednesday, June 15, 2016, I caused a true and correct copy of **APPLICANT'S RESPONSE RE OPPOSER'S REQUEST TO STRIKE OPPOSITION BRIEF** to be delivered by U.S. Mail, First Class Postage, with an electronic courtesy copy by email:

Glenn Spencer Bacal
Bacal Law Group, P.C. 6991 E. Camelback Rd., Ste D-
102 Scottsdale, AZ 85251
Glenn.Bacal@bacalgroup.com

with a copy to :
Jamie Tuccio
Jamie.Tuccio@bacalgroup.com

By: Steve Beam

EXHIBIT A

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647
Mark: SENUVO
Opposer: 4Life Trademarks, LLC
Type of Filing: Initial Disclosure Statement

I hereby certify that this Initial Disclosure Statement is being sent via Express

Mail and email to Applicant's Attorney:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
93 South Main, Suite 3
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

/s/ Jamie Tuccio
Signature

November 2, 2015
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647
Mark: SENUVO
Opposer: 4Life Trademarks, LLC
Type of Filing: First Set of Interrogatories to Senuvo, LLC

I hereby certify that this First Set of Interrogatories to Senuvo, LLC is being sent via
FedEx addressed to:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
93 South Main, Suite 3
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

/s/ Sean D. Garrison
Signature

January 29, 2016
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647

Mark: SENUVO

Opposer: 4Life Trademarks, LLC

Type of Filing: First Request for Production of Documents to Senuvo, LLC

I hereby certify that this First Request for Production of Documents to Senuvo, LLC is being sent via FedEx addressed to:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
93 South Main, Suite 3
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

/s/ Sean D. Garrison

Signature

January 29, 2016

Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647
Mark: SENUVO
Opposer: 4Life Trademarks, LLC
Type of Filing: First Set of Request for Admissions to Senuvo, LLC

I hereby certify that this First Set of Request for Admissions to Senuvo, LLC is being sent via
FedEx addressed to:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
93 South Main, Suite 3
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

/s/ Sean D. Garrison
Signature

January 29, 2016
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647

Mark: SENUVO

Opposer: 4Life Trademarks, LLC

Type of Filing: First Request for Production of Documents to Senuvo, LLC

I hereby certify that this First Request for Production of Documents to Senuvo, LLC is being sent via FedEx addressed to:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
93 South Main, Suite 3
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

/s/ Sean D. Garrison

Signature

January 29, 2016

Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647
Mark: SENUVO
Opposer: 4Life Trademarks, LLC
Type of Filing: Notice of Expert Disclosures

I hereby certify that this Notice of Expert Disclosures is being sent via Express Mail
and email to Applicant's Attorney:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
330 North Main
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

/s/ Jamie Tuccio
Signature

February 29, 2016
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647

Mark: SENUVO

Opposer: 4Life Trademarks, LLC

Type of Filing: Opposer's Response to Applicant's First Set of Interrogatories

I hereby certify that this Opposer's Response to Applicant's First Set of Interrogatories is being sent via U.S. Mail and e-mail (per agreement of the parties) to

Applicant's Attorney:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
330 North Main
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

/s/ Jamie Tuccio
Signature

April 11, 2016
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647

Mark: SENUVO

Opposer: 4Life Trademarks, LLC

Type of Filing: Opposer's Response to Applicant's First Request for Production

I hereby certify that this Opposer's Response to Applicant's First Request for Production is being sent via U.S. Mail and e-mail (per the agreement of the parties) to

Applicant's Attorney:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
330 North Main
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

_____/s/ Jamie Tuccio_____
Signature

_____/April 11, 2016_____
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647
Mark: SENUVO
Opposer: 4Life Trademarks, LLC
Type of Filing: Motion to Compel

I hereby certify that this Motion to Compel is being filed electronically with the United States Trademark Trial and Appeal board 37 C.F.R. §2.119.

I hereby further certify that this Motion to Compel is being served electronically, pursuant to the agreement of the parties, and by U.S. Mail to:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
93 South Main, Suite 3
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for the Applicant,
Senuvo, LLC*

/s/Sean D. Garrison
Signature

May 12, 2016
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647

Mark: SENUVO

Opposer: 4Life Trademarks, LLC

Type of Filing: Opposer's Response to Applicant's Second Request for Production

I hereby certify that this Opposer's Response to Applicant's Second Request for Production is being sent via U.S. Mail and e-mail (per the agreement of the parties) to

Applicant's Attorney:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
330 North Main
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

_____/s/ Sean D. Garrison_____
Signature

_____/May 23, 2016_____
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647

Mark: SENUVO

Opposer: 4Life Trademarks, LLC

Type of Filing: Opposer's Response to Applicant's First Requests for Admission

I hereby certify that this Opposer's Response to Applicant's First Requests for Admission is being sent via U.S. Mail and e-mail (per the agreement of the parties) to

Applicant's Attorney:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
330 North Main
Kaysville, UT 84037
steve@legendslaw.com

*Attorney of Record for Applicant,
Senuvo, LLC*

/s/ Sean D. Garrison
Signature

May 23, 2016
Date

Certificate of Mailing or Transmission Pursuant to 37 C.F.R. § 2.119

Application No.: 86127647

Mark: SENUVO

Opposer: 4Life Trademarks, LLC

Type of Filing: Opposer's Reply in Support of its Combined Motion to (1) Compel Discovery and (2) Strike Applicant's Expert Disclosure, or in the Alternative to Compel Applicant to Provide the Required Expert Report Motion to Compel

I hereby certify that this Opposer's Reply in Support of its Combined Motion to (1) Compel Discovery and (2) Strike Applicant's Expert Disclosure, or in the Alternative to Compel Applicant to Provide the Required Expert Report is being filed electronically with the United States Trademark Trial and Appeal board 37 C.F.R. §2.119.

I hereby further certify that this Opposer's Reply in Support of its Combined Motion to (1) Compel Discovery and (2) Strike Applicant's Expert Disclosure, or in the Alternative to Compel Applicant to Provide the Required Expert Report is being served electronically, pursuant to the agreement of the parties, with a courtesy copy by U.S. Mail to:

Stephen H. Bean, Esq.
LEGENDS LAW GROUP, PLLC
330 N. Main Street
Kaysville, UT 84037
steve@legendslaw.com
Attorney of Record for the Applicant

/s/Sean D. Garrison
Signature

June 14, 2016
Date